

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Miker Johnson,

Plaintiff,

v.

Ralph Nash, Venture Aerobearings, LLC,
Danny Dubose, Charlie Alloco, Simon
Holmes, Serge Couture, and General
Electric Company,

Defendants.

No. 2:13-cv-3406-RMG

ORDER

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DISTRICT COURT
SOUTH CAROLINA
CHARLESTON

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that this Court deny Defendant General Electric Company’s (“GE”) motion to dismiss. (Dkt. No. 24). For the reasons set forth below, the Court agrees with and adopts the R&R as the order of the Court.

Background

Plaintiff filed this action in state court alleging discrimination in his employment. (Dkt. No. 1-1). Defendants then removed the action to this Court. (Dkt. No. 1). Pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(g), this matter was automatically referred a Magistrate Judge for pretrial proceedings. GE then filed a motion to dismiss pursuant to Rule 12(b)(6) contesting Plaintiff’s ability to pierce its corporate veil. (Dkt. No. 9). Plaintiff then filed a response in opposition to the motion. (Dkt. No. 17). The Magistrate Judge then issued the present R&R recommending the motion be denied. (Dkt. No. 24). Neither party filed timely objections to the R&R.

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

Discussion

After review of the R&R and finding no clear error on the face of the record, the Court finds the Magistrate Judge applied sound legal principles to the facts of this case and therefore agrees with and adopts the R&R as the order of the Court. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Conclusion

As set forth above, the Court agrees with and adopts the R&R as the order of the Court. (Dkt. No. 24). Accordingly, the Court denies GE’s motion to dismiss. (Dkt. No. 9).

AND IT IS SO ORDERED.


 Richard Mark Gergel
 United States District Court Judge

March 27, 2014
 Charleston, South Carolina